

E-filing

GREGORY C. LOARIE, CA Bar 215859
 DEBORAH S. REAMES, CA Bar 117257
 Earthjustice
 426 17th Street, 5th Floor
 Oakland, CA 94612
 Telephone: (510) 550-6725
 Facsimile: (510) 550-6749

FILED

AUG 23 2005

RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

CENTER FOR BIOLOGICAL DIVERSITY, *et al.*,)
 Plaintiffs,)
 v.)
 NORTON, *et al.*,)
 Federal Defendants,)
 and)
 AMERICAN FOREST & PAPER ASS'N, *et al.*,)
 Defendant-Intervenors.)

Case No: C 04-1861 VRW

STIPULATION

and 

~~PROPOSED~~ ORDER

RE: BRIEFING AND HEARING SCHEDULE
 FOR PLAINTIFFS' MOTION FOR
 ATTORNEYS' FEES

STIPULATION

Pursuant to the stipulation of Plaintiffs and Federal Defendants, by Order filed on July 25, 2005, this Court provided that Plaintiffs would have 45 days from the date of that Order – i.e., to September 8, 2005 – to file any motion for attorneys' fees and costs ("Fees Motion") in connection with this action. This constituted a 31-day extension of the 14-day deadline for filing such a motion under Federal Rule of Civil Procedure 54(d)(2)(B) and Civil Local Rule 54(a).

The parties have determined that there is insufficient time under the present schedule for them to fully explore the possibility of settling Plaintiffs' claim for fees and costs. For that reason,

and to accommodate the schedules of counsel, including the honeymoon of lead counsel for Plaintiffs, Plaintiffs and Federal Defendants stipulate to and request the Court to order the filing and briefing of Plaintiffs' claim, if necessary, according to the following schedule:

September 30, 2005	Plaintiffs file Fees Motion
October 28, 2005	Federal Defendants file opposition
November 18, 2005	Plaintiffs file reply

and Plaintiffs and Federal Defendants further propose that Plaintiffs' motion, if any, be heard by the Court at 2:00 p.m. on December 8, 2005, or as soon thereafter as the Court's calendar may accommodate.

There have been no other modifications of the deadline for the filing Plaintiffs Motion other than the July 25, 2005 Order of this Court. This extension would have no effect on the schedule for the case, other than delaying the litigation, if necessary, of Plaintiffs' Fees Motion.

DECLARATIONS

Undersigned counsel hereby declare that the above statements are true and correct to the best of their knowledge.

Respectfully submitted,

Dated: August 19, 2005

/s/ Deborah Reames
 DEBORAH S. REAMES, CA Bar 117257
 GREGORY C. LOARIE, CA Bar 215859
 Earthjustice
 426 17th Street, 5th Floor
 Oakland, CA 94612
 Telephone: (510) 550-6725
 Facsimile: (510) 550-6749

Attorneys for Plaintiffs

Dated: August 19, 2005

/s/ Kristen Byrnes Floom (approved 8/19/05)
 KRISTEN BYRNES FLOOM
 Trial Attorney, D.C. Bar 469615
 United States Department of Justice
 Environment & Natural Resources Division
 Wildlife & Marine Resources Section
 Benjamin Franklin Station, P.O. Box 7369
 Washington, D.C. 20044-7369
 Tel.: (202) 305-0340 / Fax: (202) 305-0275

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

KEVIN V. RYAN, CA Bar 118321
United States Attorney
CHARLES O'CONNOR, CA Bar 56320
Assistant United States Attorney
10th Floor Federal Building, Box 36055
450 Golden Gate Avenue
San Francisco, CA 94102


KELLY A. JOHNSON
Acting Assistant Attorney General
United States Department of Justice
Environment & Natural Resources Division
JEAN E. WILLIAMS, Chief
LISA LYNNE RUSSELL, Assistant Chief

Attorneys for Federal Defendants

[PROPOSED] ORDER

Pursuant to the foregoing stipulation of the parties, the briefing and hearing schedule set forth
above is ORDERED.

DATED: _____



HON. VAUGHN R. WALKER
UNITED STATES DISTRICT JUDGE